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**MINUTES OF THE ZONING BOARD PUBLIC  
HEARING & REGULAR MEETING ON MONDAY,  
APRIL 29, 2013, 7:00 P.M., 4<sup>TH</sup> FLOOR, CAFETERIA,  
STAMFORD, CONNECTICUT**

Present for the Board: Tom Mills, (Chairman), Bill Morris, Harry Parson, Barry Michelson and Kathleen Donahue. Present for staff: Norman F. Cole, Land Use Bureau Chief and David Killeen, Associate Planner

Mr. Mills called the meeting to order at 7:16 p.m. Mr. Mills seated Alternate Kathleen Donahue in place of Board Member Audrey Cosentini.

**PUBLIC HEARING**

1. **Application 213-05 – RMS 750 SUMMER STREET, LLC & RMS HOLDINGS, LLC, Map change,** to rezone approximately 0.1 acres from R-MF to MX-D and approximately 0.6 acres from C-L to MX-D located at 750 and 760 Summer Street in Block No. 239 (*continued from April 22, 2013*).
2. **Application 213-06 – RMS 750 SUMMER STREET, LLC - Text change,** to Amend Article IV, Section 12-D-1-c to allow minimum parking per dwelling unit in MX-D districts and amendments to Article III, Section 9-AAA MX-D Definition and Standards in the MX-D Mixed Use Development District (*continued from April 22, 2013*).
3. **Application 213-07 and 213-08 – RMS 750 SUMMER STREET, LLC, 750-760 Summer Street, Special Exceptions, GDP and Final Site Plans,** requesting approval to develop approximately 24,750 SF of C-L and R-MF zoned land with a 6 story building containing 58 residential units, 58 parking spaces and associated amenities. Special Exception approval is sought for: a) a parking ratio of one space per dwelling unit pursuant to Section 9-AAA-4-b-v of the Zoning Regulations, as amended by the submitted Text Change; and b) a blade sign pursuant to Section 9-AAA-4-b-vii of the Zoning Regulations as amended by the submitted Text Change. Specific Zoning Board approval is also requested to a) make a fee-in-lieu payment to satisfy the fractional portion of the Below Market Rate unit requirement; b) reduce the amount of open space; and c) modify the yard requirements (*continued from April 22, 2013*).

Mr. Mills opened the continued Public Hearing on these four applications. They are being continued from the Public Hearing of April 22, 2013.

Attorney William Hennessey recapped the previous hearing. He covered the text and map changes in detail. The Board ended the last hearing with a presentation of the streetscape and landscaping plans. Attorney Hennessey submitted a sample vinyl clad window and presented a deeper red brick sample and cast stone sample. Hardiplank panels will be used on the top floors. Consensus of the Board prefers the dark bronze window trim. Attorney Hennessey discussed the proposed blade sign showing the smaller option. Eric Raines, Landscape Architect, explained

that “rail trail” lights would be added. He discussed the plan for an 8’ high IPE fence along the south property line.

Mr. Mills noted the mechanical penetration for ventilation should be decorative; none on front façade.

Mr. Mills called for any questions or comments from the Public. There were none. Mr. Mills closed the Public Hearing on these applications at 7:55pm. He took a recess at 7:56pm and resumed the regular meeting at 8:21pm.

### **REGULAR MEETING**

#### **APPROVAL OF MINUTES:**

Minutes for Approval: April 1, 2013

Mr. Michelson moved approval of the minutes of April 1, 2013 as corrected, seconded by Mr. Parson and approved, 5 to 0 (Mills, Michelson, Morris, Parson, and Donahue).

#### **PENDING APPLICATIONS:**

1. Application 213-06 – RMS 750 SUMMER STREET, LLC - Text change

After a brief discussion, Mr. Morris made a motion to approve the text application as revised. Mr. Parson seconded the motion and it was approved 3:0 with the eligible members voting (Mills, Morris and Parson).

The zoning regulations will read as follows:

#### **TO AMEND ARTICLE IV, SECTION 12-D-1-c**

On sites within the Architectural Review District boundaries and located in the CC-N and C-G districts, as well as sites within the MX-D infill zoning district, there shall be a minimum of one (1) parking space for each dwelling unit of two bedrooms or less and one and one-quarter (1.25) spaces for each dwelling unit of three bedrooms or more....

**TO AMEND ARTICLE III, SECTION 9-AAA to eliminate all references to the “MXD-A Mixed Use Development District” and replace same with the “MX-D Mixed Use Development District”.**

#### **TO AMEND ARTICLE III, SECTION 9-AAA-4-a to read as follows:**

**Designation Criteria.** A parcel or parcels of land, to be eligible for designation as a MX-D Infill Development site, shall satisfy all of the following minimum criteria:

- i. At least twenty-five percent (25%) of the area of the site shall have been legally used for commercial purposes or vacant at the time of application for redesignation;

- ii. Site area of at least 20,000 square feet;
- iii. At least fifty (50) lineal feet of street frontage;
- iv. At least fifty percent (50%) of the site frontage shall be either vacant or used for parking at the time of the application, provided that the Zoning Board may waive such requirement when the proposed Infill Development requires the preservation and enhancement of existing housing and/or historic buildings and diminishes the effect of commercial uses on the residential character of the site and surrounding streets.

TO AMEND ARTICLE III, SECTION 9-AAA-4-b to read as follows:

b. Standards.

- i. Building Height. For sites within the Downtown Core or Downtown Corridor land use category, building height shall not exceed one-hundred and fifty (150) feet. For sites within the Downtown Collar, Mixed-Use land use category, building height shall not exceed ninety (90) feet except where existing commercial buildings are adaptively reused for residential purposes and no increase in existing maximum building height occurs.
- ii. Floor Area Ratio. The floor area ratio of all uses, including non-conforming uses, shall not exceed two and one-half (2.5) and there shall be no net increase in commercial uses. The floor area ratio definition of Section 9-AAA-3-c shall apply except that parking structures not exceeding one story or eleven (11) feet in height above grade shall not require landscaped usable open space on their roof. In the case of adaptive reuse of existing non-residential buildings or vacant parcels for residential use, existing parking structures, resident amenity space and on-site BMR floor area shall be exempt from these FAR limitations. At the discretion of the Zoning Board, street-front parking garage floors converted to active floor area may also be exempt if such converted garage area does not exceed 0.2 FAR and serves to enhance the streetscape and pedestrian oriented frontage.
- iii. For sites with at least fifty percent (50%) of street frontage either vacant or used for parking, a minimum of seventy-five (75) square feet of usable open space per dwelling unit shall be provided. For all other Infill Development sites, a minimum of one-hundred fifty (150) square feet of usable open space per dwelling unit shall be provided. The location and design of such open space shall be approved by the Zoning Board, provided that the Zoning Board may reduce or waive this open space requirement for units created by residential conversion of existing non-residential buildings where the opportunity to create open space is limited or when otherwise deemed appropriate by the Zoning Board.
- iv. Building coverage of all structures shall not exceed eighty percent (80%).
- v. All uses on the site shall satisfy the parking requirements of the Section 9-AAA-3-i, provided that only required new residential parking shall be subject to the requirement that a minimum of 2/3 (two-thirds) of parking shall be either (a) situated below grade or (b) integrated into the building and/or screened from sensitive views to the satisfaction of the

Zoning Board. Notwithstanding the requirements of Section 9-AAA-3-i, pursuant to Special Exception approval of the Zoning Board, residential parking may be provided in conformance with Section 12-D-1-c.

vi. Where more than ten (10) additional residential dwelling units are provided, at least ten percent (10%) of such additional units shall be offered for sale or rent as Below Market Rate (BMR) units, except in the case of adaptive reuse of existing non-residential floor area for residential use or development of residential floor area on vacant parcels used for commercial purposes within the past five (5) years where at least six percent (6%) of such units shall satisfy the BMR requirement. All other standards of Section 9-AAA-3-j shall apply.

vii. Signage shall be governed by the standards of the C-N District. Provided however, upon issuance of a Special Exception from the Zoning Board, blade type signs up to 30 square feet mounted perpendicular to the building façade are permitted, notwithstanding the standards of Section 13, and may extend over a public sidewalk provided they extend not more than thirty (30) inches from the building, are non-illuminated, and are made of durable material. Such blade signs shall be located at least nine (9) feet and not more than thirty (30) feet above the sidewalk.

TO AMEND ARTICLE III, SECTION 9-AAA-5-c to read as follows:

c. After or in conjunction with the approval of the MX-D zone change application and general plans, the applicant shall file final site and architectural plans with the Zoning Board, containing all of the plans and information as specified by Section 7.2 C of these Regulations. No building permit for the proposed development or any part thereof shall be issued until the Zoning Board has determined that final plans are in accordance with the application and general plans previously approved, and with the standards of Section 7.2 Site Plan Review and the general purposes and other applicable standards of these Regulations. Final site and architectural plans shall be acted upon by the Zoning Board within ninety (90) days after they are submitted to the Zoning Board unless an extension of time is agreed to by the applicant.

Mr. Mills tabled discussion of the other three applications to the next meeting.

### **OLD BUSINESS**

1. **APPL. 208-05 ANTARES HARBOR POINT**, General Development Plan, Condition #7, 14 Acre Working Boatyard and Full Service Marina status updates, Cease & Desist Order and requested items.

Mr. Morris discussed the DEEP email of April 29, 2013 stating that BLT must re-install all docks, pilings and gangways back to the original configuration. Mr. Morris stated that BLT has removed more pilings and docks than needed to complete the sheet-piling work. Attorney Freeman answered that Mr. Buckley of his staff would address this question.

Mr. Mills noted that the Letter of Intent (LOI) for 205 Magee Avenue had been received. He also commented that Staff expected to present the Bridgewater Headquarters Application for acceptance by the Zoning Board at the next scheduled meeting.

Mr. Mills asked for an update on the Loft Artists situation. Attorney Freeman noted that their license has been extended for one year and that BLT owns 775 Atlantic Street which is about 10,000 s.f. and might be suitable for the Loft Artist. Attorney Freeman said that he was aware of the Creative Arts Workshop in New Haven and interested in establishing a similar program in Stamford. Attorney Freeman said there was no evidence of any cultural approval in the Waterside School application.

Mr. Parson read a definition of “cultural institution” that refers to schools and education.

Mr. Mills asked how much time BLT needed to develop a solution to the cultural requirement. Attorney Freeman said 90 days.

Lisa Cuscana, Loft Artists, is still reviewing BLT’s license extension proposal which would raise their cost about 20% and would require them to vacate the site in one year.

Mr. Mills asked if there was a time when the cultural requirement had to be met. Mr. Cole answered no but that Yale & Towne was nearly complete. Attorney Freeman said they could designate space in Y3 and then transfer the space to 775 Atlantic if that worked out.

Mr. Mills asked the Applicant for a report on the “cultural requirement” every two weeks.

### **NEW BUSINESS**

Mr. Mills raised the concept of posting a notice/sign on the property of pending commercial developments. Mr. Cole agreed to research and report at the next meeting.

Mr. Mills adjourned the meeting at 9:50 pm.

Respectfully submitted,

Barry Michelson, Secretary  
Stamford Zoning Board